

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
LAWRENCE SAVOCA,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.
-----X**ORDER**16 CV 4465 (VB)
03 CR 841-01 (VB)

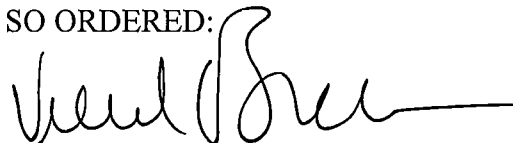
For the reasons set forth on the record at a hearing held on April 20, 2023, attended by petitioner Lawrence Savoca and all counsel, the Court granted Savoca's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Therefore, Savoca's conviction for discharging a firearm during and in relation to a crime of violence, pursuant to 18 U.S.C. § 924(c) (Count Three), must be vacated, and Savoca must be resentenced on his convictions for conspiracy to commit Hobbs Act robbery (Count One), attempted Hobbs Act robbery (Count Two), and being an armed career criminal in possession of a firearm (Count Four). The conviction on Count Three will be formally vacated at the time of resentencing.

Accordingly it is hereby ORDERED:

1. Resentencing in case no. 03 CR 841-01 is scheduled for June 5, 2023, at 10:00 a.m.
2. The Probation Department is directed to prepare a revised and updated presentence investigation report, principally to recalculate the Sentencing Guidelines range without reference to the Section 924(c) conviction on Count Three, although the Probation Department is free to consider any additional factors it deems relevant and to make any sentencing recommendation it deems appropriate.
3. By May 22, 2023, Savoca shall submit his sentencing submission.
4. By May 30, 2023, the government shall submit its sentencing submission.
5. The Court strongly encourages the Marshal to keep petitioner at MDC-Brooklyn pending resentencing.

Dated: April 21, 2023
White Plains, NY

SO ORDERED:



 Vincent L. Briccetti
 United States District Judge
